

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED FOOD & COMMERCIAL  
WORKERS' UNION, LOCAL NO. 293,

Plaintiff,

v.

NOAH'S ARK PROCESSORS, LLC,

Defendant.

**8:18CV466**

**ORDER**

This matter is before the Court on plaintiff United Food & Commercial Workers' Union, Local No. 293's (the "union") "Third Motion for an Order to Show Cause Why Defendant Noah's Ark Processors, LLC [(“Noah's Ark”)] Should Not Be Held in Contempt" (Filing No. 57). On December 12, 2019, the Court held a hearing attended by counsel and the principals for both parties to address the central issue identified in the union's motion—the parties ongoing inability to develop a reasonable orientation schedule as required by this Court's prior orders. In accordance with the Court's rulings from the bench at that hearing,

IT IS ORDERED:

1. The union's Third Motion for an Order to Show Cause Why Defendant Noah's Ark Processors, LLC Should Not Be Held in Contempt (Filing No. 57) is denied.
2. The parties and their respective counsel shall meet and confer to develop a specific schedule to resume union orientation sessions for new hires and to conduct make-up sessions for existing employees as required by the arbitration award and this Court's prior orders.
3. The parties shall submit a joint schedule to the Court no later than 6:00 p.m. on December 18, 2019, which schedule shall include the time and location of at least one orientation session every other week for the next ten months.<sup>1</sup>

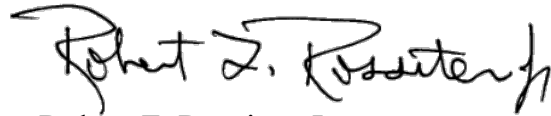
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<sup>1</sup>The ten-month time period is set at random by the Court with the expectation that the backlog of union orientations will be disposed of by then. A more tailored approach

4. Noah's Ark shall provide the union with an updated list of employees one week before each scheduled session.
5. Every employee scheduled to attend an orientation session must present themselves for the session but may voluntarily opt-out of attending the session and confirm that decision in writing on a form jointly developed by the parties and maintained by the union.
6. Noah's Ark shall be permitted to monitor the orientation sessions to ensure orientation sessions are confined to Noah's Ark matters but shall not interrupt the union representatives or interject any information during the union's presentation.
7. Failure to comply with this order could result in sanctions without further notice.

Dated this 12th day of December 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
United States District Judge

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was impossible, given that neither Noah's Ark nor the union could even estimate the number of hires who had not been oriented by the union. The establishment of a ten-month schedule in no way absolves Noah's Ark of its obligation to facilitate future orientation sessions after that time.